

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JANET BURGESS as the administrator
of the Estate of Philip Burgess,

Plaintiff,

No. CIV S-02-1568 FCD JFM P

vs.

ELI B. RICHMAN, et al.,

Defendants.

ORDER

Plaintiff, a state prisoner proceeding through counsel, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On April 25, 2005, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten days. No party has filed objections to the findings and recommendations.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1 1. The findings and recommendations filed April 25, 2005 are adopted in full;

2 2. Defendant Richman's December 15, 2004 motion for summary judgment is
3 granted;

4 3. Judgment shall be entered for defendant Richman on plaintiff's Eighth
5 Amendment claim and plaintiff's state law medical malpractice claim;

6 4. The state defendants' December 15, 2004 motion for summary judgment is
7 granted;

8 5. Judgment shall be entered for the state defendants on plaintiff's Eighth
9 Amendment claim;

10 6. This court declines to exercise supplemental jurisdiction over plaintiff's state
11 law medical malpractice claim against defendants Beams, Sandham, Busi, Bick, Williams, and
12 Steever; and

13 7. This action is dismissed.

14 DATED: May 19, 2005.

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16 /s/ Frank C. Damrell Jr.
17 UNITED STATES DISTRICT JUDGE

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